

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH M. BENNARDI d/b/a
NEDMAC ASSOCIATES, INC. and
JOSEPH M BENNARDI d/b/a
BUILDING SUPERS OF CAMDEN,
INC., On Behalf of Themselves and All
Others Similarly Situated,

Plaintiffs,

v.

CASE NO.: 04-cv-01178

UNITED TECHNOLOGIES
CORPORATION, OTIS ELEVATOR
CO., KONE CORPORATION, KONE
INC., SCHINDLER HOLDING
LTD., SCHINDLER ELEVATOR
CORPORATION THYSSENKRUPP
AG and THYSSEN ELEVATOR
CAPITAL CORP.

In re Elevator Antitrust Litigation

Defendants.

04-01178
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE

TO: ALL COUNSEL OF RECORD ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that upon the annexed Affidavit of Kendall S. Zylstra in support of this motion and the Certificate of Good Standing annexed thereto, we will move this Court before the Honorable Thomas T. Griesa at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District


Courts for the Southern and Eastern Districts of New York for an order allowing the admission of Kendall S. Zylstra, an associate of the law firm of Schiffrin & Barroway, LLP, member in good standing of the bar of the Commonwealth of Pennsylvania, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel on behalf of plaintiff Joseph M. Bennardi.

There are no pending disciplinary proceedings against Kendall S. Zylstra in any state or federal court.

Dated: November 16, 2005

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ, LLP**

By: 

270 West Madison Avenue
New York, NY 10016
(212) 545-4600

SCHIFFRIN & BARROWAY, LLP
Kendall S. Zylstra
280 King of Prussia Road
Radnor, PA 19087
(610) 667-7706

Counsel for Joseph M. Bennardi

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JOSEPH M. BENNARDI d/b/a)
NEDMAC ASSOCIATES, INC.)
and JOSEPH M BENNARDI d/b/a)
BUILDING SUPERS OF CAMDEN,)
INC., On Behalf of Themselves and All)
Others Similarly Situated,)**

Civil Action No.04-cv-01178

Plaintiffs,

v.

**UNITED TECHNOLOGIES)
CORPORATION, OTIS ELEVATOR)
CO., KONE CORPORATION, KONE)
INC., SCHINDLER HOLDING)
LTD., SCHINDLER ELEVATOR)
CORPORATION THYSSENKRUPP)
AG and THYSSEN)
ELEVATOR CAPITAL CORP.)**

Defendants.

**[PROPOSED] ORDER GRANTING MOTION
FOR ADMISSION TO PRACTICE *PRO HAC VICE***

The motion for admission to practice *pro hac vice* in the above-captioned matter is granted. The admitted attorney, Kendall S. Zylstra is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance in the above-captioned case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* for the above-captioned case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all counsel of record in this case.

Dated: _____

The Honorable

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH M. BENNARDI d/b/a)
NEDMAC ASSOCIATES, INC. and)
JOSEPH M BENNARDI d/b/a)
BUILDING SUPERS OF CAMDEN,)
INC., On Behalf of Themselves and All)
Others Similarly Situated,) CASE NO.: 04-cv-01178
Plaintiffs,)
UNITED TECHNOLOGIES)
CORPORATION, OTIS ELEVATOR)
CO., KONE CORPORATION, KONE)
INC., SCHINDLER HOLDING LTD.,)
SCHINDLER ELEVATOR)
CORPORATION THYSENKRUPP)
AG and THYSEN ELEVATOR)
CAPITAL CORP.)
Defendants.)

**DECLARATION OF KENDALL S. ZYLSTRA
IN SUPPORT OF MOTION FOR ADMISSION TO PRACTICE PRO HAC VICE**

Kendall s. Zylstra, declares under penalty of perjury this 16th day of November, 2005:

1. I am an attorney at the law firm of Schiffrin & Barroway, LLP, 280 King of Prussia Road, Radnor, Pennsylvania, 19087.

2. I submit this Declaration in support of my motion for admission *pro hac vice* in the above-captioned matter.

3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the bar of the Commonwealth of Pennsylvania.

4. There are no pending disciplinary proceedings against me in any state or federal court.

5. Wherefore your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case on behalf of plaintiff Joseph M. Bennardi.

I hereby swear under penalty of perjury that the foregoing is true and correct.


Kendall S. Zylstra

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ELEVATOR ANTITRUST
LITIGATION

Master Docket No. 1:04-cv-01178-TPG

MDL No. 1644

This Document Relates to:

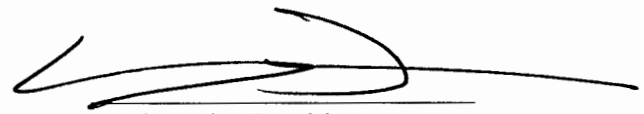
ALL ACTIONS

**DECLARATION OF FRED TAYLOR ISQUITH IN SUPPORT OF THE MOTION FOR
ADMISSION PRO HAC VICE OF KENDALL S. ZYLSTRA**

Fred Taylor Isquith, duly declares as follows in support of the petition of Kendall S. Zylstra for admission to practice before the Bar of this Court:

1. I was admitted to practice in the U.S. District Court for the Southern District of New York in February of 1972.
2. I am in practice at the law firm of Wolf Haldenstein Adler Freeman & Herz LLP, 270 Madison Ave., New York, NY 10016.
3. I have worked with the petitioner's law firm for over ten years on various legal matters. I have no reason to believe that Mr. Zylstra should not be admitted *Pro Hac Vice* for this case.

Dated: November 17, 2005


Fred Taylor Isquith



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Kendall Scott Zylstra, Esq.

DATE OF ADMISSION


January 2, 1992

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: November 3, 2005


Patricia A. Johnson
Chief Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ELEVATOR ANTITRUST
LITIGATION

Master Docket No. 1:04-cv-01178-TPG

MDL No. 1644

This Document Relates to:

ALL ACTIONS

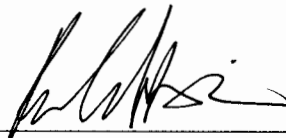
DECLARATION OF SERVICE

Kaveh Dabashi, a litigation paralegal employed by Wolf Haldenstein Adler Freeman & Herz LLP, hereby declares that today, I caused to be served by regular mail, with postage prepaid thereon, the:

- *Notice of Motion for Admission Pro Hac Vice of Kendall S. Zylstra* along with the *Proposed Order*
- *Declaration of Kendall S. Zylstra In Support of Motion to Admit Counsel for Pro Hac Vice*
- *Declaration of Fred Taylor Isquith In Support of the Motion for Admission Pro Hac Vice of Kendall S. Zylstra*

on the following counsel indicated on the attached Service List.

Dated: November 18, 2005



Kaveh Dabashi
Litigation Paralegal

SERVICE LIST

<p>Joe R. Whatley, Jr. Glenn M. Connor Richard P. Rouco WHATLEY DRAKE, LLC 2323 2nd Avenue, North P.O. Box 10647 Birmingham, Alabama 35203-0647 Telephone: (205) 328-9576 Facsimile: (205) 328-9669 <i>Counsel for Plaintiff Birmingham Building Trades Towers, Inc.</i></p>	<p>Nadeem Faruqi Antonio Vozzolo Beth Ann Keller FARUQI & FARUQI, LLP 320 East 39th Street New York, New York 10016 Telephone: (212) 983-9330 Facsimile: (212) 983-9331 <i>Counsel for Plaintiff Birmingham Building Trades Towers, Inc.</i></p>
<p>James G. Stranch, III C. Dewey Branstetter J. Gerard Stranch BRANSTETTER, KILGORE, STRANCH & JENNINGS 227 Second Avenue, North – 4th Floor Nashville, Tennessee 37201-1631 Telephone: (615) 254-8801 Facsimile: (615) 255-5419 <i>Counsel for Plaintiff D.F. Chase, Inc.</i></p>	<p>Daniel L. Rottinghaus Jeffrey B. Cereghino Steven R. Weinman BERDING & WEIL, LLP 3420 Stone Valley Road West Alamo, California 94507 Telephone: (925) 838-2090 Facsimile: (925) 820-5592 <i>Counsel for Plaintiff Olen Commercial Realty Corporation</i></p>
<p>Lester L. Levy, Sr. WOLF POPPER LLP 845 Third Avenue New York, New York 10022 Telephone: (212) 759-4600 Facsimile: (212) 486-2093 <i>Counsel for Plaintiffs Towers of Coral Springs, Ltd., 181 Maple Avenue Associates, and Lenox Road Associates</i></p>	<p>Jayne A. Goldstein MAGER & GOLDSTEIN LLP 2825 University Drive, Suite 350 Coral Springs, FL 33065 Telephone: (954) 341-0844 Facsimile: (954) 341-0855 <i>Counsel for Plaintiff Towers of Coral Springs, Ltd.</i></p>
<p>Brian J. Robbins ROBBINS UMEDA & FINK, LLP 1010 Second Avenue, Suite 2360 San Diego, California 92101 Telephone: (619) 525-3990 Facsimile: (619) 525-3991 <i>Counsel for Plaintiff Birmingham Building Trades Towers, Inc.</i></p>	<p>Evan J. Smith BRODSKY & SMITH, LLC Two Bala Plaza, Suite 602 Bala Cynwyd, Pennsylvania 19004 Telephone: (610) 668-7987 Facsimile: (610) 667-9029 <i>Counsel for Plaintiff Joseph M. Bennardi, d/b/a Nedmac Associates, Inc.</i></p>

<p>David W. Suffrin, Esq. SUFRRIN ZUCKER STEINBERG & WIXTED Parkade Building, Suite 503 519 Federal Street Camden, New Jersey 08103 Telephone: (856) 365-0080 Facsimile: (856) 338-0217 <i>Counsel for Plaintiff Joseph M. Bennardi, d/b/a Nedmac Associates, Inc.</i></p>	<p>Kendall S. Zylstra, Esq. Stephen E. Connolly, Esq. SCHIFFRIN & BARROWAY, LLP. 280 King of Prussia Rd Radnor, PA 19087 <i>Counsel for Plaintiff Joseph M. Bennardi, d/b/a Nedmac Associates, Inc.</i></p>
<p>Christopher G. Hayes, Esq. David McLafferty, Esq. LAW OFFICE OF CHRISTOPHER G. HAYES 115 East Chestnut Street, 2nd Floor West Chester, Pennsylvania 19380 Telephone: (610) 431-9505 Facsimile: (610) 431-1269 <i>Counsel for Plaintiff Joseph M. Bennardi, d/b/a Nedmac Associates, Inc.</i></p>	<p>Pat M. McDermott Mark Leddy CLEARY, GOTTlieb, STEEN & HAMILTON 2000 Pennsylvania Avenue, N.W. Suite 9000 Washington, D.C. 20006 Telephone: (202) 974-1500 Facsimile: (202) 974-1999 <i>Counsel for Defendants Otis Elevator Co. and United Technologies Corp.</i></p>
<p>Deborah M. Buell CLEARY GOTTlieb STEEN & HAMILTON One Liberty Plaza New York, New York 10006 Telephone: (212) 225-2000 Facsimile: (212) 225-3999 <i>Counsel for Defendants Otis Elevator Co. and United Technologies Corp.</i></p>	<p><i>Thyssenkrupp AG</i> <i>Thyssenkrupp Elevator AG</i> Attn: Legal Department August-Thyssen-Strasse 1 40221 Dusseldorf, GERMANY</p>
<p>Allan Paul Victor WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, New York 10153 Telephone: (212) 310-8000 Facsimile: (212) 310-8007 <i>Counsel for Defendants Thyssen Elevator Capital Corporation, Thyssenkrupp Elevator Capital Corporation, and Thyssenkrup Elevator Corporation</i></p>	<p>Stewart M. Gisser Associate General Counsel SCHINDLER ELEVATOR CORPORATION 20 Whippany Road Morristown, New Jersey 07960-1935 Telephone: (973) 397-6580 Facsimile: (973) 397-6574 <i>Counsel for Defendant Schindler Elevator Corporation</i></p>

<p>Kenneth M. Kramer SHEARMAN & STERLING 599 Lexington Avenue New York, New York 10022-6069 Telephone: (212) 848-4900 Facsimile: (212) 848-7179 <i>Counsel for Defendant Schindler Elevator Corporation</i></p>	<p><i>Schindler Holding, Ltd.</i> Attn: Legal Department Seestrasse 55 CH-6052 Hergiswil Nidwalden, SWITZERLAND</p>
<p>Michael Evan Jaffe THELEN REID & PRIEST LLP 701 Pennsylvania Avenue, N.W. Suite 800 Washington, D.C. 20004 Telephone: (202) 508-4000 Facsimile: (202) 508-4321 <i>Counsel for Defendants Kone Inc. and Kone Corp.</i></p>	<p>Stewart M. Gisser Associate General Counsel Schindler ELEVATOR CORPORATION 20 Whippany Road Morristown, New Jersey 07960-1935 Telephone: (973) 397-6580 Facsimile: (973) 397-6574 <i>Counsel for Defendant Schindler Elevator Corporation</i></p>
<p>Allan Paul Victor WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, New York 10153 Telephone: (212) 310-8000 Facsimile: (212) 310-8007 <i>Counsel for Defendants Thyssen Elevator Capital Corporation, Thyssenkrupp Elevator Capital Corporation, and Thyssenkrupp Elevator Corporation</i></p>	
<p>Kenneth M. Kramer SHEARMAN & STERLING 599 Lexington Avenue New York, New York 10022-6069 Telephone: (212) 848-4900 Facsimile: (212) 848-7179 <i>Counsel for Defendants Schindler Elevator Corporation</i></p>	